

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

UNITED STATES OF AMERICA)	CR No. 6:19-239
)	
v.)	
)	
SCOTT A. KOHN)	
FUTURE INCOME PAYMENTS, LLC)	
JOSEPH P. HIPPI)	
MELANIE JO SCHULTZ-MILLER)	
)	
Defendants.)	
_____)	
)	
IN RE RECEIVER FOR SCOTT A.)	C. A. No. 6:19-cv-01112-BHH
KOHN AND FUTURE INCOME)	
PAYMENTS, LLC, JOSEPH P. HIPPI,)	
KRAIG S. AIKEN, DAVID N.)	
KENNEALLY, AND MELANIE JO)	
SCHULZE-MILLER)	

ORDER

This matter is before the Court pursuant to the Petition to Liquidate Asset Free and Clear of Liens and Encumbrances & Stipulation Concerning Sale Requirements of the Receiver, Beattie B. Ashmore (“Receiver”), filed March 11, 2022 (“Petition”), seeking to sell certain real property located at 914 Morena Court, Ballwin, Missouri, which is more particularly described on Exhibit A attached hereto and incorporated herein by reference (the “Property”). In accordance with this Court’s Order of Appointment filed on April 15, 2019, thereafter replaced and superseded by Orders filed on April 30, 2019, July 18, 2019, March 3, 2020, and September 1, 2020, and further replaced and superseded by Order filed on October 9, 2020 (collectively the “Court Order”), the Receiver has legal authority and full control of all property, assets and estates owned, controlled, used, accessed or authorized by or for the benefit of the FIP Receivership Entities (including assets

and property directly traceable to the FIP Receivership Entities that may be in the possession of Defendants Scott A. Kohn, Joseph P. Hipp, Kraig S. Aiken, David N. Kenneally, Melanie Jo Schultze-Miller, and their family members, business associates and acquaintances). The FIP Receivership Entities are defined in the Order to include all businesses and/or trusts owned or controlled by Scott A. Kohn, Joseph P. Hipp, Kraig S. Aiken, David N. Kenneally and Melanie Jo Schultze-Miller and their subsidiaries, successors and assigns. Joseph P. Hipp is a Family Trustee of The Hipp 2013 Irrevocable Trust dated June 25, 2013 (the “Hipp Trust”). The Property, titled in the name of the Hipp Trust, is an asset of the FIP Receivership Entities as defined in the Court Order.

In the Petition, the Receiver requests that the Court allow for the liquidation of the Property to Andrea D. Schneider (“Buyer”), pursuant to the terms and conditions of that certain Special Sale Contract dated February 22, 2022, and any amendments thereto (the “Contract”).

The parties, including the United States and representatives of the Hipp Trust, consent to the Receiver’s Petition and have further stipulated that, to the extent that the requirements of 28 U.S.C. § 2001 and/or § 2002 might apply to this sale, they are waived. *See, e.g., Huntington National Bank v. Big Sky Development Flint, LLC*, 2010 WL 3702361, at *7 (E.D. Mich. Sept. 16, 2010) (procedures of 28 U.S.C. § 2001 inapplicable when waived by stipulation of the parties). The parties further stipulate that they waive any right to appeal the order granting this relief.

After consideration of this matter, the Court believes that the Property at issue and the Contract to sell the same supports the Receiver’s due diligence and conclusions that this opportunity is unique and well supported, and therefore grants the Receiver’s Petition.

IT IS THEREFORE ORDERED that the Receiver is hereby authorized to proceed with those obligations imposed upon him as the Seller in the Contract, including the authority to execute and

deliver a deed conveying fee simple title to the Property to Buyer for a purchase price of \$385,000.00. The Receiver is further authorized to execute and deliver a Closing Statement itemizing costs and expenses consistent with the Contract, together with such other affidavits, instruments and documents as may be reasonable, necessary and appropriate for such transaction or as required by the terms of the Contract. The proceeds from the sale of the Property, less the real estate commissions and costs required under the Contract, shall be disbursed directly to the Receiver upon the closing.

IT IS SO ORDERED.

s/Bruce H. Hendricks
Bruce Howe Hendricks
United States District Judge

Greenville, South Carolina
March 14, 2022

EXHIBIT A

Property Description

Lot 3 of Clearview, according to the plat thereof recorded in Plat Book 129, Page 68, of the St. Louis County Recorder's Office.

Locator Number: 21T 340 720